



45-09/PJG/GMV
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

PHOENIX BULK CARRIERS, LTD.

Plaintiff,

-against -

TTMI SARL,

Defendant.

09 CV _____ ()

**ORDER DIRECTING CLERK TO ISSUE
 PROCESS OF MARITIME
 ATTACHMENT & GARNISHMENT;
 APPOINTING PERSON TO SERVE
 PROCESS PURSUANT TO RULE 4(c);
 AND CONCERNING SCOPE OF
 SERVICE**

Upon reading and filing the Verified Complaint of the Plaintiff herein, verified on January 9, 2009, and the Affidavit of Gina M. Venezia, sworn to on the same day, that to the best of her information and belief Defendant TTMI Sarl cannot be found within this District for the purpose of an attachment under Supplemental Rule B(1) and in support of an order appointing a special process server pursuant to Rule 4(c), and the Court having found that the conditions required by Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure exist, and good cause having been shown,

NOW, upon motion of Freehill Hogan & Mahar, LLP, attorneys for Plaintiff, it is hereby

ORDERED that the Clerk of this Court is directed forthwith to issue the Process of Maritime Attachment and Garnishment for seizure of all tangible and intangible property of Defendant, as described therein, including ~~but not limited to any~~ property of Defendant such as any cash, funds, escrow funds, debts, credits, wire transfers, electronic funds transfers, accounts, letters of credit, freights, sub-freights, charter hire, sub-charter hire, and/or other assets of, belonging to, due or being transferred to, from, or for the benefit of Defendant TTMI Sarl (collectively, "ASSETS"), including ~~but not limited to such~~ ASSETS as may be held, received or

transferred to, from or in its name or as may be held, received or transferred for its benefit, at, through, or within the possession, custody or control of and/or wired to or from banking institutions, including ABN Amro, American Express Bank, Bank of America, BNP Paribas, Citibank N.A., Deutsche Bank Trust Co., HSBC, HSBC USA Bank NA, JPMorgan Chase Bank, Standard Chartered Bank, The Bank of New York Mellon and/or Wachovia Bank, ~~and/or other~~ ^{or other} garnishee(s) on whom a copy of the Process of Maritime Attachment and Garnishment may be served, up to and including the amount of **\$8,968,000**, pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and it is further

ORDERED that supplemental process enforcing the Court's Order may be issued and served without further Order of the Court; and it is further

ORDERED that Pamela L. Schultz, Edward J. Carlson, Barbara Carnevale, Robert Ridenour, Joan Sorrentino, Christina Gargano, or any other partner, associate, paralegal ^{employed} ~~or other~~ ^{or licensed professional retained by Freehill Hogan & Mahar} agent of Freehill Hogan & Mahar LLP, be and is hereby appointed, in addition to the United States Marshal, to serve the Process of Maritime Attachment and Garnishment and the Verified Complaint, together with a copy of this Order and any interrogatories, upon garnishee(s), together with any other garnishee(s) who (based upon information developed subsequent hereto by Plaintiff) may hold assets of, for, or on behalf of Defendant; and it is further

ORDERED that following initial service upon any garnishee by the United States Marshal or any other person designated by this or any subsequent Order to make service in this action, supplemental service of the Process of Maritime Attachment and Garnishment may thereafter be made by way of facsimile transmission or other verifiable electronic means, including e-mail, to each garnishee so personally served, such service to be in accordance with

each garnishee's preference or policy, and such facsimile or other electronic transmission shall be deemed to be made within the district if it has been sent from within the district; and it is further

ORDERED that service on any garnishee herein is deemed to be effective and continuous service throughout the remainder of the day upon which such service is made commencing from the time of such service, and it is further deemed to be effective through the end of the next business day, provided another service is made the next business day; *and it is further N*

Dated: New York, New York
January 21, 2009

Paul H. Mitty

U.S. DISTRICT JUDGE

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Ordered That this order shall be effective for 90 days, but plaintiff may, more to its expense, apply for another 90 days upon showing that such extension would be appropriate. The Court will also expect that plaintiff will report ~~to~~ on the current announcement of litigation and for architect and the status of suit proceeding, and as further relates that the "Process of Maritime Structural and Government" submitted herewith be amended to reflect the changes in this order.